IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:08ev194

BRANCH BANKING AND TRUST COMPANY,)
Plaintiff,)
Vs.) ORDER
FEDERAL DEPOSIT INSURANCE CORPORATION,)
Defendant.)

THIS MATTER is before the court after conducting a hearing on August 8, 2008, in related litigation. During that hearing, the court made inquiry of the parties as to the issue of discovery. It appeared to the court that the issues as stated in the complaint were such that would require little if any discovery and were further of such a nature which could be considered by the court upon an agreed upon record. The parties agreed this assessment was correct. The undersigned then gave instructions to the FDIC to accomplish certain tasks in this matter, which require entry of an Order reflecting such instructions.

ORDER

IT IS, THEREFORE, ORDERED that defendant Answer or otherwise respond to the Complaint not later than August 28, 2008, that any record to be presented by the parties shall be presented by stipulation on or before September 8, 2008 and that cross motions for Summary Judgment be filed not later than September 15, 2008. The parties have waived discovery. Briefing of those motions

shall follow the requirements of Local Civil Rule 7.1.

Signed: August 13, 2008

Dennis L. Howell

United States Magistrate Judge